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PUBLIC RESOURCES CODE

CHAPTER 3. ARTICLE 3. REGIONAL PARK, PARK AND OPEN SPACE,
AND OPEN SPACE DISTRICTS

SECTIONS 5500 through 5595

As of: October 15, 1975

Includes 1975 Legislative Amendments



ADMINISTRATIVE MANUAL

East Bay Regional Park District

Supersedes all previous printings
and includes all amendments
through the regular legislative
session of 1975.

October 15, 1975

Section 1 Administrative Manual
Volume 1 Administrative Management

Chapter 3 PUBLIC RESOURCES CODE

1. PURPOSE

The purpose of this chapter is to provide supervisory personnel with the complete text of that part of the State of California Public Resources Code under which the East Bay Regional Park District operates, in order that they will be completely informed concerning the legal status of the District. This section of the Public Resources Code was adopted in 1930. Only minor revisions to the Code have been made during the past 43 years.

2. SCOPE

The East Bay Regional Park District was the only park district within the State of California that operated under this section of the Public Resources Code until recently. However, in recent years interest has developed in the regional concept of park development and management, as well as regional government. A number of other regional park districts similar to the East Bay Regional Park District have come into being within the past few years, including three in the San Francisco-Monterey Peninsula area.

3. RESPONSIBILITY

It is the responsibility of the Board of Directors, upon advice of the District Counsel, Donn Black of the firm of Orr, Wendel & Lawlor who acts as attorney for the District, to carry out and enforce the Code. It should be noted that the Code makes a distinction between employees and officers. The officers have special responsibility for the affairs and operation of the District.

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PUBLIC RESOURCES' CODE
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PUBLIC RESOURCES CODE

of the
State of California

ARTICLE 3 (Div. 5, Ch.3) - Regional Park, Park and Open-Space, and Open Space Districts.

5500. "District." "District" as used in this article, means any regional park district, regional park and open-space district, or regional open-space district formed pursuant to this article. (Amended by Stats 1975, AB 1164.)

5501. Authority to create district: Exercise of powers. A regional park district may be created pursuant to, and it may exercise the powers granted by, this article. (Amended by Stats 1975, AB 1164.)

5502. Entities that may incorporate: Necessity of contiguity.
(a) Two municipalities, together with one or more other municipalities and any parcel or parcels of city or county territory, whether in the same or different counties, may organize and incorporate. All the territory in the proposed district shall be contiguous.
(b) Notwithstanding subdivision (a), one or more municipalities, together with any parcel or parcels of city or county territory, whether in the same or different counties, the territory of all of which when combined has a population of at least 50,000 may organize and incorporate. All the territory in the proposed district shall be contiguous. (Amended Stats 1975, AB 1164.)

5503. Petition for creation: Number of signers required: Presentation of petition. Whenever it is desired to form a regional-park district, a petition requesting the creation and maintenance of a district, and describing the exterior boundaries of the proposed district shall be signed by at least 5,000 electors residing within the territory proposed to be included in the district and shall be presented to the board of supervisors of the county containing the largest area within the proposed district.
(Amended by Stats 1975, AB 1164.)

5504. Form of petition: Contents of separate instruments: Manner of signing: Verification of signatures: Certification of result. A petition may consist of any number of separate instruments, all of which together shall constitute one petition. Each instrument shall contain the affidavit of the person who circulated it, certifying that each signature is the true signature of the person whose name it purports to be. Every elector signing the petition shall write his address opposite his signature. The clerk of the board of supervisors of the county having the

5504. largest area within the proposed district, shall check and verify the signatures to the petition and certify the result of the examination to the board of supervisors.

5505. Procedure when signatures are found to be insufficient: Filing of duplicate petition in secondary county: Verification and certification. If the petition contains names of electors residing in a county other than the one having the largest area within the proposed district, and does not contain the requisite number of signatures of electors residing in the county having the largest area within the proposed district, a duplicate original of the petition shall be filed with the board of supervisors of the other county, and the clerk of the board of supervisors of the other county shall likewise check and verify the signatures to the petition and certify the result to the board of supervisors of his county, and thereupon copies of the clerk's certificates shall be transmitted to each county affected.

5506. Action when signatures are found to be sufficient: Transmission of copies of petition and certificate to supervisors of other counties. If the petition contains sufficient signatures of electors residing in the county having the largest area within the proposed district, but the petition includes land within another county or other counties, the clerk of the board of supervisors of the county having the largest area within the proposed district shall transmit a certified copy of the petition and of his certificate to the board of supervisors of the other county or counties.

5506.5 Marin County; resolution; board of supervisors as directors. If the exterior boundaries of a proposed district are coterminous with the exterior boundaries of the County of Marin, proceedings for formation of such district may, in lieu of a petition, be initiated by resolution of the board of supervisors of such county.
The resolution may specify that the board of supervisors shall act, ex officio, as the governing body of the district. In such cases, the provisions of this article pertaining to the election of district directors shall not apply and all powers and authority of the district shall be vested in the board of supervisors of the county in its capacity as the governing body of the district. (added by Stats 1972, c. 762, p. 1371 ss 1, urgency eff. Aug. 10, 1971.)

NOTE: Section 5 of Stats 1972, c. 762, p. 1372, provided: "The Legislature hereby declares that there are unique problems involved in meeting the recreational needs of the people of the County of Marin, taking into consideration such factors as the county's topography, natural resources, population density, and the proximity of urban centers of large and expanding population to open space lands and other lands of high recreational value and, therefore, a general law cannot be made applicable and the

5506.5 enactment of Sections 1 and 2 of this act as a special law is necessary."

5506.6 Marin County Open Space District. The governing body of a district formed pursuant to Section 5506.5 may, by resolution, change the legal name of the district to the "Marin County Open Space District." (Added by Stats 1973, c. 342, p. 767, ss 1.)

5507. Proceedings in secondary counties: Fixation of time and place for hearing. If the clerk's certificate or certificates indicate that the petition has been properly signed, the board of supervisors of the county or counties not having the largest area within the proposed district shall, by resolution, fix a time and place for a hearing upon the question whether the territory described within the boundaries of its county will be benefited and should be included in the proposed ~~regional~~ park district. (Amended Stats 1975, AB 1164.)

5508. Same: Publication of notice: Time for publication. Notice of the hearing, specifying the time and place, shall be published twice in a newspaper of general circulation in the county conducting the hearing. The first publication shall be at least ten days before the day of the hearing.

5509. Same: Continuance of hearing: Determination and decision: Resolution on approval: Transmission of copy to supervisors of primary county. The hearing may be continued from time to time, not exceeding four weeks in all. At the conclusion of the hearing the board of supervisors conducting it shall pass a resolution, either approving in whole or in part the inclusion within the proposed ~~regional-park~~ district of the territory within its county described in the petition, or disapproving it. If the board approves it in part only, it shall in the resolution describe the territory in its county the inclusion of which it approves. It shall then cause a certified copy of the resolution to be immediately transmitted to the clerk of the board of supervisors of the county having the largest area within the proposed district. (Amended Stats 1975, AB 1164.)

5510. Proceedings in primary county: Fixation of time and place for hearing. The board of supervisors of the county having the largest area within the proposed district shall then, by resolution, fix a time and place for a hearing upon the question whether the petition shall be granted and further proceedings taken under this article, and whether the property described in the petition will be benefited and should be included in the proposed district.

5511. Same: Publication of notice: Time for first publication. Notice of the hearing, specifying the time and place, shall be published twice in a newspaper of general circulation in the county conducting the hearing. The first publication shall be at least ten days before the day of the hearing.

5512. Same: Continuance of hearing: Determination and decision: Resolution on approval: Description of territory proposed to be included.

5512. The hearing may be continued from time to time, not exceeding four weeks in all. At the conclusion of the hearing, the board of supervisors conducting it shall pass a resolution, either approving the petition in whole or in part, or denying it. If the board approves it in part only, it shall describe in the resolution the territory proposed to be included in the district. It shall not include in the description only territory, the inclusion of which has not been approved by the board of supervisors of the county in which it is located.

5512.5 (a) Except as provided in Section 5506.6, the question whether the district shall be named a regional park district, regional park and open-space district, or regional open-space district shall be considered at the hearing conducted by the board of supervisors of the county having the largest area within the proposed district. At the conclusion of such hearing, the board of supervisors shall pass a resolution naming the district. (b) Except as provided in Section 5506.6, after formation of a district, the directors may change the name of the district, at the conclusion of a hearing held for that purpose, by resolution approved by four-fifths of the directors of the district. Notice of the hearing, specifying the time and place, shall be published at least once in a newspaper of general circulation in the district; or if there be none, in the county having the largest population within the district. (Added by Stats 1975, AB 1164)

5513. Proceedings when territory described is located in single county. Where all the territory described in the petition is located entirely within one county, the board of supervisors of that county shall, after the petition has been checked and certified by the clerk, proceed in the first instance as provided for the county having the largest area within the proposed district.

5514. Call for election: Jurisdiction to call: Scope of election: Purposes. The board of supervisors of the county having the largest area within the proposed district shall, if the petition, after the hearing, has been approved in whole or in part, have jurisdiction to proceed further with the calling of an election within the boundaries of the proposed district as described in the resolution passed at the conclusion of the hearing, and shall, either as a part of the same resolution or by a later resolution, call an election within the proposed district for the purpose of determining whether the district shall be created and established and for the purpose of electing the first board of directors therefor in case the district is created.

5515. Division of proposed district into wards or subdistricts. Number of wards or subdistricts: Drawing of boundaries. Before calling the election the board of supervisors shall divide the proposed district into five or seven wards or subdistricts, the boundaries of which shall be so drawn that each contains approximately an equal number of electors. (Amended by Stats 1966.)

Division of territory for purpose of establishing boundaries.

5515. The municipalities and any other territory included in the proposed district may be divided for the purpose of establishing the boundaries of the wards or subdistricts, if no election precinct is divided. (Amended by Stats 1963 ch 1117 ss 1)

5516. Notice of election: Requirement and contents. Requirement of notice. Upon establishing the wards the board of supervisors of the county shall give notice of an election to be held within the proposed district for the purpose of determining whether it shall be created and established, and for the purpose of electing directors if established.

Contents: The notice shall state the name of the proposed district, and describe its boundaries. It shall also describe the boundaries of the wards or subdistricts provided for the purpose of electing directors.

5517. Publication of Notice: Posting. The notice shall be published once a week for at least three weeks before the day of the election in each municipality in the proposed district. If no newspaper of general circulation is published in any of the municipalities included in the district, the notice shall be posted for at least three weeks in not less than three public places in each of such municipalities. If unincorporated territory is included in the district the notice shall be posted for a like period in at least three public places in the unincorporated territory.

5517.1 Impartial analysis of proposed district: Approval by local agency formation commission. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election (Added by Stats 1970 ch 736 ss 78.)

5517.2 Submission of written arguments for or against district formation.
The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election. (Added by Stats 1970 ch 736 ss79.)

5517.3 Same: Selection of arguments for publication. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

- (a) The board of supervisors or any member or members of the board authorized by the board.
- (b) Individual voters or bona fide associations of citizens or a combination of such voters and associations. (Added by Stats 1970 ch 736 ss 80.)

5518. Contents of ballots: Nomination petitions: Number of signers required. The ballots for the election shall contain such instructions as are required by law, and in addition the following:

Shall the (giving the name) regional-park district be created and established?	YES
	NO

The ballots shall also contain the names of the persons nominated in each ward to serve as a member of the board of directors from the ward, showing separately each ward and its nominees. Any person may be nominated for the office of director upon written petition of fifty or more qualified electors of the ward or subdistrict in which the nominee resides. (Amended by Stats 1975, AB 1164).

5519. Conduct of election: Ascertainment of result: Persons entitled to vote: Date of election. The election, including the nomination and election of directors and all matters not otherwise provided for by this article, shall be held and conducted and the result ascertained, determined, and declared in accordance with the general election laws of the State, as nearly as may be. No person is entitled to vote at the election unless he

is a qualified elector of the territory included in the proposed district. The election may be held on the same day as and consolidated with any State, county, or city election.

5520. Canvass of returns: Majority vote for or against formation of district. Canvass of returns: Vote in favor of creation of district: Order. The election returns shall be forwarded to the board of supervisors of the county having the largest area within the proposed district, and it shall meet on Monday next succeeding the day of the election and canvass the votes cast. If a majority of those who have voted on the proposition vote in favor of the creation of the district the board of supervisors shall order and declare the district created.

Vote against formation: Effect. If it appears from the canvass that a majority of the electors voting at the election have voted against the formation of the district, the proceedings fail entirely, and there shall be no similar proceedings instituted within that territory within six months from the date of the election.

5521. Canvass of votes cast for directors: Declaration of results. The board of supervisors shall also canvass the returns of the election with respect to the persons voted for as directors, and shall declare the persons receiving the highest number of votes, for each ward, respectively, to be duly elected as directors of the district, if they are residents and electors of the ward of the district as finally determined.

5522. Qualifications of directors: Filling of vacancies caused by elimination of territory. A person is not entitled to serve as a director unless he is a resident and elector of the district as finally determined, and any vacancies on the board of directors caused by the elimination of territory shall be filled by the remaining directors, in which case ward lines may be disregarded in making their appointments.

5523. Term of members of first board. The directors shall hold their respective offices only until the first Monday after the first day of January next following the first general election held at least 11 months after the election at which the district was formed, and until their successors are elected and qualified. (Amended by Stats 1975 AB 1164).

5524. Recordation of order declaring district created: Filing of copy with Secretary of State: Operation and effect. The board of supervisors of the county having the largest area within the district shall cause a certified copy of the order declaring the district created and established, declaring the result of the election, and describing the boundaries of the district, to be recorded with the county recorder of each county in which any portion of the district is situated, and a certified copy shall be filed in the office of the Secretary of State. Thereupon the creation and establishment of the district is complete, and the persons elected as directors shall enter immediately upon their official duties after qualifying according to law.

5525. Making of election arrangements: Liability for costs. The board of supervisors calling the election shall make all provisions for holding the election throughout the entire proposed district. The District shall pay the cost of the election, except that if it fails to be created and established, the county shall pay the cost of the election.

5526. Effect of informality upon validity of district: Time to assail validity: Effect of delay. No informality in any proceeding or in the conduct of the election, not substantially affecting adversely the legal rights of any persons, shall be held to invalidate the incorporation of any district, and any proceedings in which the validity of the incorporation is attacked shall be commenced within three month from the date of filing the order described in section 5524 with the Secretary of State; otherwise incorporation and the legal existence of the district is valid and in every respect legal and incontestable.

5527. Governing body of district: Number of directors: Qualifications: Manner of election. The government of each district shall be vested in a board of five or seven directors, one from each of the wards or subdistricts, together with the other officers mentioned in this article. Directors shall be residents and electors of the wards or subdistricts from which they are nominated. Directors who are elected at any election which is held after October 1, 1965, shall be elected by ward or subdistrict and the qualified electors in any ward or subdistrict may only vote at a district election at which a director is to be elected to represent such ward or subdistrict and may only vote for one of the persons who is nominated for such office. (Amended by Stats 1963 ch 1117 ss 2; Stats 1965 ch 1660 ss 1)

5528. Laws governing election of directors. All elections and nominations of candidates for directors subsequent to the first shall be held and conduct in accordance with the general election laws of the State as near as they may be applicable when not in conflict with this article.

5529. Publication of notice: Posting reference to wards. Notice of elections shall be given by publication once a day for at least seven days in one or more newspapers of general circulation published and circulated at least six days a week in the district or once a week for two weeks in some newspaper published less than six days a week in the district; and one insertion each week for two succeeding weeks is a sufficient publication in newspapers published less than six days a week. In districts where no such newspaper is published, notice shall be posted in three public places for two successive weeks. No other notice of an election need be given. The notice shall refer to the wards as previously established by resolution or ordinance of the board of directors.

5530. Contents of notice: Consolidation of elections : Authorization to canvass returns: Duty of supervisors. The board of directors

5530. shall, in the notice, ordinance, or resolution calling an election, consolidate the district election with the election to be held at the same time in the respective counties in which the district is located and shall authorize the respective boards of supervisors to canvass the returns of the district election and certify the result of the canvass to the directors of the district. The board or boards of supervisors shall so consolidate the election, canvass the returns and cause the result to be properly certified to the board of directors of the district.

5531. Conduct of election: Ticket or ballot: Nomination papers:
Number of signatures required. The election shall be held in all respects as if there were only one election and only one ticket or ballot shall be used. Nomination papers shall be circulated throughout the ward. A nomination paper containing the name of the candidate to be nominated, with such other information as is required by this article, shall be signed by at least fifty (50) electors residing within the ward. (Amended by Stats 1967, ch. 407 ss 1).

5532. Nominations: Provisions governing: Filing papers: Certification and placing of names on ballots: Canvass, declaration and issuance of certificates: Oath. Except as otherwise provided in this section, the provisions of Sections (1) 6830 and (2) 6831 of the Elections Code and of Sections 5,6 and 10 of the Direct Primary Law as the latter existed in 1926 shall substantially govern as to the manner of appointment of verification deputies, the form of nomination papers and the securing of signatures and fastening together of sections of the nomination paper containing the signatures, the filing of the candidate's affidavit, the payment of filing fees, and all other things necessary to get the name of the candidate upon the ballot.

Verification deputies may obtain signatures to the nomination paper of any candidate at any time not more than 85 days nor less than 60 days prior to the election, and all nomination papers shall be filed with the secretary of the district not more than 80 days nor less than 60 days before the day of election and shall be examined by him.

The election shall be consolidated with the general election as to territory which is the same, and the secretary of the district shall certify the names of all candidates to be placed upon the ballot to the county clerk or county clerks within the territory affected by the consolidation at least 53 days prior to the date of the election.

Upon the filing of a sufficient nomination paper and affidavit by any candidate, the name of the candidate shall go upon the ballot at the ensuing general election. Upon receipt of the returns of the canvass by the respective boards of supervisors, the directors of the district shall meet and determine results of the election and declare the candidate or candidates elected.

5532. The secretary of the district shall issue certificates of election signed by him and duly authenticated, immediately following the determination of the result of the election by the directors of the district.

The oath of office shall be taken, subscribed, and filed with the secretary of the district within 30 days after the officer has notice of his election or appointment or before the expiration of 15 days before the commencement of his term of office. No other filing is required. (Amended by Stats 1953 ch1117 ss 3 and Stats 1966.)

5533. Terms of members of second board: Number to be chosen at succeeding elections: Commencement of terms. Of the directors elected at the next general state election following the election at which the district is created, those three elected by the highest vote in a five-ward district, or those four elected by the highest vote in a seven-ward district, shall hold office for four years, and the other two in a five-ward district and the other three in a seven-ward district for two years, and until their successors are elected and qualified. Thereafter, at each biennial general election, a number of directors corresponding to the number whose term of office expires shall be elected for terms of four years. The terms shall commence on the first Monday after the first day of January next following the election. (Amended by Stats 1963 ch1117 ss 4)

5533.5 Term of office. Notwithstanding the provisions of Section 5533, with respect to any district formed after December 31, 1974, the board of directors shall at its first meeting determine by lot which three ward in a five-ward district or four wards in a seven-ward district, and which two wards in a five-ward district, shall have four and two year terms, respectively, at the next general election. Thereafter, at each biennial general election, a number of directors corresponding to the number whose term of office expires shall be elected for terms of four years. The terms shall commence on the first Monday after the first day of January next following the election. (Stats 1975 AB 1164).

5534. Alteration of boundaries or wards: Time for alteration. The board of directors may by resolution or ordinance fix the boundaries of the wards or subdistrict for the purpose of electing directors, after the first election creating and establishing the district. The wards shall be established in ample time prior to each biennial general election to permit candidates for the position of directors to circulate nominating papers.

5534.5 Alteration of existing boundaries of or creation of new wards or subdistricts to increase number of board of directors. Notwithstanding any provision in this article to the contrary, the board may at any time by ordinance alter the existing boundaries of the wards or subdistricts and create new wards or subdistricts for the purpose of increasing the number of the board of directors. (Added by Stats 1963 ch 1117 ss 4.5.)

5535. Selection of board's officers: Fixing time and place of meetings: Right of public to attend: Quorum. The board of directors shall choose one of its members President, and another Vice President, who shall act for the president during his absence or disability. The board of directors shall also choose either one of its members to serve as secretary and another to serve as treasurer, or one or more administrative secretaries or clerks to perform the duties of secretary or treasurer, or both. The board shall provide for the time and place of holding its meetings, which shall be held at least once each month. All legislative sessions of the board, whether regular or special, shall be open to the public. A majority of the board constitutes a quorum for the transaction of business. (Amended by Stats 1972 ch 455 ss 1) (Amended Stats 1975 AB 1164)

5536. Rules for proceedings: Compensation of board members: Filling of vacancies. Establishment of rules and provision for compensation. The board shall establish rules for its proceedings and may provide by ordinance or resolution that each of its member shall receive for each attendance at the meetings of the board the sum of fifty dollars (\$50). They shall not receive any other compensation, and a director shall not receive pay for more than two meetings in any one calendar month.

The board of directors shall fill all vacancies on the board including those caused by the death or resignation of a member or the establishment of new wards; but whenever a vacancy exists for 30 days the Governor shall fill the vacancy. The person appointed to fill any vacancy shall hold office for the remainder of the unexpired term of his predecessor, except that in the case of newly created wards, the directors shall, prior to making appointments, determine by lot which ward shall have a four-year term and which ward shall have a two-year term. (Amended by Stats 1975 AB 1164.)

5536.5 Allowance for expenses of board members. Members of the board of directors may be allowed actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the district board. (Added by Stats 1965 ch 1059 ss 1.)

5537. Function of board: Scope of authority. The board of directors is the legislative body of the district and shall determine all questions of policy.

5538. Appointment, compensation and duties of officers and assistants: Bonds: Consolidation of offices: Assistants: Professional services. The board shall appoint a general manager, who shall be the chief administrative officer of the district, and a controller, and may appoint other subordinate officers, and shall fix their compensation and duties. Such appointees shall hold office at the pleasure of the board. They shall give such bonds and in such amounts as the Board may require. The board may also provide for an assistant to any officer of the district, who, when appointed

5538. by the board, may perform any act that his principal may perform when authorized so to do by the board.

The board may from time to time contract for or employ any professional services required by the district, or by the board, or by any officers of the district. (Amended by Stats 1972 ch 455 ss 2.)

5538.5 Ex officio functions of Marin County officers and employees. If the Board of Supervisors of the County of Marin acts as the governing body of a district pursuant to Section 5506.5, officers and employees of the County of Marin shall act, ex officio, as officers and employees of the district and discharge the authority and responsibility specified in this article. (Added by Stats 1972 ch. 762 ss 2, effective August 10, 1972).

5539. Powers of district generally.
(a) Has perpetual succession.
(b) May sue and be sued, except as otherwise by law, in all actions and proceedings in all courts or tribunals of competent jurisdiction.
(c) May adopt a seal and alter it at pleasure.

5540. Acquisition, use and disposal of property: Conveyance of interest in property for park purposes. A district may take by grant, appropriation, purchase, gift, devise, condemnation, or lease, and may hold, use, enjoy and lease or dispose of real and personal property of every kind, and rights in real and personal property, within or without the district, necessary to the full exercise of its powers.

A district may not validly convey any interest in any real property actually dedicated and used for park or open-space, or both purposes without the consent of a majority of the voters of the district voting at a special election called by the board and held for that purpose. Consent need not first be obtained for a lease of any real property for a period not exceeding 25 years; and consent need not first be obtained for a transfer of any real property if the Legislature by concurrent resolution authorizes a transfer after a resolution of intention has been adopted by at least a two-thirds vote of the board of directors of the district, specifically describing the property to be conveyed. (Amended by Stats 1963 ch 1117 ss6.) (Amended Stats 1975 AB 1164.)

5541. Laying out and maintenance of park, etc., systems: Interference with control of existing parks, etc., of city or county. A district may plan, adopt, lay out, plant, develop, and otherwise improve, extend, control, operate, and maintain a system of public parks, playgrounds, golf courses, beaches, trails, natural areas, ecological and open space preserves, parkways, scenic drives, boulevards, and other facilities for public recreation, for the use and enjoyment of all the inhabitants of the district, and it may select, designate, and acquire land, or rights in land, within or without the district, to be used and appropriated for such purposes. It may cause such trails, parkways, scenic drives, and boulevards to be opened, altered, widened, extended, graded or regraded, paved or repaved, planted or replanted, repaired, and

5541. otherwise improved, may conduct programs and classes in outdoor science education and conservation education, and may do all other things necessary or convenient to carry out the purposes of this article.

The board of directors of a district shall not interfere with control of any of the fore-going or other public property, that are existing, owned, or controlled by a municipality or county in the district, except with the consent of the governing body of the municipality, or of the county if the same is in unincorporated territory, and upon such terms as may be mutually agreed upon between the board of directors of the district and the governing body. (Amended by Stats 1963 ch 1117 ss 6.5, ch 2067 ss 7; Stats 1970 ch 857 ss 1.)

5541.1 The East Bay Regional Park District may plan, adopt, lay out, plant, develop, and otherwise improve, extend, control, operate, and maintain vehicular recreational areas and trails for the use and enjoyment of all the inhabitants of the district, and it may select, designate, and acquire land, or rights in land, within or without the district to be used and appropriated for such purposes. The East Bay Regional Park District may cause such vehicular recreational areas and trails to be opened, altered, widened, extended, graded or regraded, paved or repaved, planted or replanted, repaired, and otherwise improved.

The Board of Directors of the East Bay Regional Park District shall not interfere with the control of any vehicular recreational area or trail that is existing, owned, or controlled by a municipality or county in the district, except with the consent of the governing body of the municipality, or of the county if the same is in unincorporated territory, and upon such terms as may be mutually agreed upon between the board of directors of the district and the governing body. (Added by Stats 1975, SB 989.)

5542. Condemnation of private property: Facilities, etc., of municipal utility districts. Exercise of right of eminent domain: Rights, etc., of district in proceedings. A district may exercise the right of eminent domain, in the manner provided by law for the condemnation of private property for public use, and may take any property necessary or convenient to accomplish the purposes of this article whether the property is already devoted to the same use or otherwise. In such proceedings the district has the same rights, powers, and privileges as a municipal corporation. Facilities, etc., of municipal utility districts. A district may not acquire by condemnation any of the lands, properties, or facilities of any municipal utility district which are appropriated to public use or are used in or are useful to the operations of the municipal utility district or which are within the watershed of any stream or reservoir which supplies water for domestic use or which the directors of the municipal utility district determine by resolution to be properties which are required for the purposes of the municipal utility district.

5542.5 Proceedings when regional park property sought to be acquired for road, street, or highway purposes: Presumption as to acquisition for public use: District's bringing action for declaratory relief. (a) Notwithstanding any other provision of law to the contrary, and except as provided in subdivision (b) when property, whether owned in fee or lesser title interest, leased, or operated under a license, management agreement, or otherwise, is appropriated or otherwise acquired for public use as a regional park or regional open space or both operated by a district, there is a rebuttable presumption of its having been appropriated or otherwise acquired for the best and most necessary public use. The presumption established by this subdivision is a presumption affecting the burden of proof.
(b) When such property is sought to be acquired for city or county road, street, or highway purposes, and such property was dedicated to or established for park, recreational, or open space purposes prior to the initiation of road, street, or highway route location studies, an action for declaratory relief may be brought by the district in the superior court to determine the question of which public use is the best and most necessary public use for such property. Such action for declaratory relief shall be filed and served within 120 days after publication by the city or county, as the case may be, in a newspaper of general circulation pursuant to section 6061 of the Government Code, and delivery of a written notice to the district by the city or county that a proposed route or site or an adopted route includes such property. Such action for declaratory relief shall have preference over all other civil actions in the matter of setting the same for hearing or trial to the end that any such action shall be quickly heard and determined. If an action for declaratory relief is not filed and served within such 120 day period, the right to bring such action is waived and the provisions of subdivision (a) shall not apply. When a declaratory relief action with respect to such property being sought for city or county road, street, or highway purposes may not be brought pursuant to this section, the provisions of subdivision (a) shall not apply. (Added by Stats 1972 ch 455 ss 3)
(Amended. Stats 1975 AB 1164.)

5543. Making of contracts, employment of labor, etc. A district may make contracts, employ labor, and do all acts necessary for the full exercise of its powers.

5544. Borrowing of money: Incurment of indebtedness: Issuance of bonds. A district may borrow money, incur indebtedness, and issue bonds or other evidences of such indebtedness, but it shall not incur any funded indebtedness except in accordance with the provisions of section 5568 of this article..

5544.1 Borrowing money for revenue-producing purpose by issuance of evidences of indebtedness: Maximum amount: Repayment: Authorizing resolution: Promissory note or contract: Indebtedness as

5544.1 additional to that authorized by vote of electors. Notwithstanding any other provisions of this article, the board may borrow money by issuance of promissory notes or other evidences of indebtedness in an amount or of a value not exceeding in the aggregate at any one time the sum of two hundred thousand dollars (\$200,000) or 5 percent of the assessed valuation of the real and personal property situated in the district, whichever is the lesser amount, to be used for any revenue-producing purpose for which the district is authorized to expend funds.

Indebtedness incurred pursuant to this section shall be repaid in approximately equal annual installments during a period not to exceed five years from June 30th of the fiscal year in which it is incurred and shall bear interest at a rate not exceeding six percent (6%) per annum payable annually or semi-annually or in part annually and in part semiannually.

Each such indebtedness shall be authorized by a resolution of the board unanimously adopted, and shall be evidenced by a promissory note or contract signed by the president of the board and attested by the secretary.

The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

Nothing herein shall be construed so as to limit or restrict the authority of the district to issue promissory notes or deeds of trust in the acquisition of real property or the exercise of its right of eminent domain subject to the limitations set forth in Section 5568 of this code. (Added by Stats 1963 ch 1102 ss 1; Amended by Stats 1965 ch. 1930 ss1)

Nothing herein shall limit the authority of the district to borrow pursuant to Section 5544.3 (This paragraph added by Stats 1972 ss 2, effective December 7, 1972.)

5544.2 Acquisition of land and facilities by plan to borrow money or by purchase on contract: Limitation on indebtedness: Repayment in instalments: Resolution authorizing indebtedness: Tax levy to pay interest and principal: Indebtedness in addition to bonded indebtedness. A district may acquire all necessary and proper lands and facilities, or any portion thereof, by means of a plan to borrow money or by purchase on contract. The amount of indebtedness to be incurred shall not exceed an amount equal to the anticipated tax income for the next four-year period derived pursuant to Section 5545; or, with respect to the East Bay Regional Park District only, the anticipated tax income for the next two-year period derived pursuant to Sections 5545 and 5545.5. All such indebtedness which is incurred on or after July 1, 1968, shall be repaid in approximately equal annual installments during a period not to exceed 10 years from the date on which it is incurred and shall bear

5544.2 interest at a rate not exceeding 6½ percent per annum payable annually or semiannually or in part annually and in part semi-annually. Each such indebtedness shall be authorized by a resolution adopted by the affirmative votes of at least four-fifths of the members of the district board and shall be evidenced by a promissory note or contract signed by at least four-fifths of the members of the district board. At the time of making the general tax levy after incurring each such indebtedness and annually thereafter until such indebtedness is paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on such indebtedness as they become due, a portion of the taxes levied and collected pursuant to Sections 5545 and 5545.5 shall be levied and collected and set aside sufficient to pay the interest on such indebtedness and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors. (Added by Stats 1968 ch 696 ss1) (Amended Stats 1975 AB 1164)

5544.3 Borrowing to cover expenses before receipt of tax revenue. The district may, pursuant to Section 5544, borrow not to exceed one hundred thousand dollars (\$100,000) to cover operating expenses between the time of formation of the District and the first receipt of revenue under Section 5545. (Added by Stats 1972 ch. 1171 ss 3, effective December 7, 1972).

5545 Levy and collection of taxes: Maximum rate of taxation* It may levy and collect, or cause to be levied and collected, taxes to carry out any of its objects or purposes and to pay the obligations of the district. Taxes levied for any one fiscal year shall not exceed ten cents (0.10) on each one hundred dollars (\$100) of the assessed value of all real and personal property within the district. Any tax provided for in this section shall be exclusive of any tax levied to meet the bonded indebtedness of the district and the interest thereon. (Amended by Stats 1963 ch 1102 ss 1; Stats 1967 ch 1008 ss 1; Stats 1970 ch 642 ss 1.)

*Note: Prior to 1970 amendment, Section 5545 read as follows:
"It may levy and collect, or cause to be levied and collected, taxes to carry out any of its objects or purposes and to pay the obligations of the district. Taxes levied for any one fiscal year shall not exceed five cent (\$0.05) (ten cents (\$0.10) substituted for 'five cent (\$0.05)' in 1970.) on each hundred dollars (\$100) of the assessed value of all real and personal property within the district. Provided, however, that for fiscal year 1964-65 through 1968-69 an additional tax of note to exceed five cents (\$0.05) on each hundred dollars \$100) of the assessed value of all real and personal property within the district may be levied for use in land acquisition and capital improvements only. Provided, further, that for fiscal years 1969-70 through 1974-75 an additional tax of five cents (\$0.05) on each hundred dollars (\$100) of the assessed value of all real and

5545. personal property within the district may be levied for general purposes. Any tax provided for in this section shall be exclusive of any tax levied to meet the bonded indebtedness of the district and the interest thereon. (Amended by Stats 1963 ch 1102 ss 1 and Stats 1967 ch 1008 ss 1 and deleted in 1970 starting from the words "Provided, however, that for fiscal years..".)

5545.1 Election to increase maximum tax rate: Majority vote to determine. The board may submit a proposition to the electors of the district for an increase in the maximum rate of tax specified by Section 5545. The election shall be called and held in the same manner as a board election, and approval by a majority of all votes cast shall be required to authorize such an increase. (Added by Stats 1970 ch 857 ss 2.)

5545.5 Levy and collection of additional tax by East Bay Regional Park District: Use of Revenue. (AB-925 introduced by Assemblyman John Knox, and approved by Governor October 14, 1971)

(a) In addition to the tax authorized by Section 5545, the East Bay Regional Park District may, beginning with the fiscal year 1972-73, levy and collect, or cause to be levied and collected, a tax of five cent (\$0.05) on each one hundred dollars (\$100) of the assessed value of all real and personal property within the district. The revenue from this tax shall be spent as follows:

(1) The revenue from four cents (\$0.04) per one hundred dollars (\$100) shall be spent exclusively for acquisition of new park lands.

(2) The revenue from one cent (\$0.01) per one hundred dollars (\$100) shall be spent exclusively for the development and operation of such park lands.

(b) Beginning with the fiscal year 1974-75, the East Bay Regional Park District may levy and collect, or cause to be levied and collected, an additional tax of five cents (\$0.05) on each one hundred dollars (\$100) of the assessed value of all real and personal property within the district. This tax shall be in addition to the tax authorized by subdivision (a) and may be levied only if, prior to the beginning of the 1974-75 fiscal year, the district has prepared and adopted a master plan which identifies the district's policies and goals with regard to the acquisition of new park lands and lists the general type and quantity of such lands proposed to be acquired and the estimated cost thereof. The revenue from such a tax shall be divided in the same ratio and shall be used for the same purposes as the revenues from the tax authorized by subdivision (a).

(c) Beginning with the fiscal year 1982-83, the taxes authorized by subdivisions (a) and (b) may be levied to carry out any of the objects or purposes of the district or to pay the obligations of the district. If the district board finds and determines that the full amount of the taxes authorized by subdivisions (a) and (b) will not be needed to carry out the objects and purposes of the district, it need not levy, or cause to be levied, the full amount of the taxes which would otherwise be authorized by subdivisions (a) and (b). Such taxes shall be in addition to those authorized by Section 5545.

5545.5

(d) Any tax imposed pursuant to this section shall be imposed by ordinance of the district board. In the first fiscal year in which any tax authorized by subdivisions (a). (b). or (c) is imposed, the ordinance imposing the tax shall not go into effect until 30 days after its final passage, and, notwithstanding the provisions of Section 3751 of the Elections Code to the contrary, the ordinance shall be subject to referendum pursuant to the provisions of Section 5200 of the Elections Code. If it is lawfully possible to consolidate such a referendum election with another regular or special election, the district board shall do so. (Added by Stats 1971 ch 1063 ss 1.)

Note: Stats 1971 ch 1063 also provides: ss 2. The Legislature hereby declares that, because of unique conditions existing within the East Bay Regional Park District, a general law cannot be made applicable and the enactment of this act as a special law is necessary in order to properly and adequately finance a needed program of park land acquisition and development.

5545.6

Use of tax proceeds. Any tax imposed under Section 5545 by a district formed pursuant to Section 5506.5 shall be used exclusively for the acquisition of open-space, park, or recreation lands or for the development, operation, or maintenance of open-space, park, or recreation lands so acquired. (Added by Stats 1972 ch 762 ss 3, effective August 10, 1972.)

5546.

Contribution of funds to other agencies for acquisition or improvement of real property. It may contribute money, in such amounts as the board of directors may by resolution find to be proper, to the California State Park Commission or to any municipality, county, or other public corporation, district, or agency, for the purpose of assisting in the acquisition of lands within or without the district for the purposes specified in section 5541, or for improving the lands in the manner therein specified, whenever in the judgment of the board of directors the acquisition or improvement is so located and planned as to be of benefit to the district.

5547.

Procedure of board: Voting on ordinances, etc.: Enacting clauses: Signature, etc.

Action by ordinance or resolution: Taking and entry of ayes and noes. The board of directors shall act only by ordinance, resolution, or a motion duly recorded in the minutes of the meeting. The ayes and noes shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the board.

An ordinance, resolution, or motion shall not be passed or become effective without the affirmative votes of at least a majority of all of the members of the board.

The enacting clause of all ordinances passed by the board shall be in these words: "Be it ordained by the board of directors of regional-park the (giving the name) District."

All resolutions and ordinances shall be signed by the president of the board and attested by the secretary and all ordinances shall be published once within 30 days after adoption, in a news-

5547. paper of general circulation printed, published, and circulated in the district. (Amended by Stats 1975, AB 1164).

5548. Duties, etc., of particular officers: President and vice-president: Selection of president pro tempore.

Duties of president. The president shall preside over all meetings of the board. He shall sign all contracts and conveyances on behalf of the district after they have been approved by the board, and he shall perform such other duties as may be imposed upon him by the board.

Vice president. In the absence of the president, or in the event of his inability to act, the vice president shall perform all the powers and duties of the president.

Selection of president pro tempore. If both the president and vice president are absent or unable to act, the board may select a president pro tempore, who shall perform all the powers and duties of the president.

5549. Duties, etc., of particular officers: District manager: Binding district for supplies, etc. : Reports of purchases.

Function, powers and duties of district manager.

The district manager has the following administrative and executive functions, powers and duties. He shall:

(a) See that the provisions of this article and all ordinances and regulations of the district are enforced.

(b) Exercise supervision and control over all departments and offices of the district.

(c) Attend all meetings of the board unless excused by the board.

(d) Submit to the board for adoption such measures, ordinances, and regulations as he deems necessary or expedient.

(e) See that all terms and conditions imposed in favor of the district or its inhabitants in any contract are faithfully kept and performed, and call any violation to the attention of the board and to the police department.

(f) Prepare and submit the annual budget to the board, and perform such other duties as may be imposed by this article or by the board.

Binding district for supplies, etc.: Reports of purchases.

With the approval of the board, the district manager may bind the district without advertising and without written contract, for the payment for supplies, labor or other valuable consideration furnished to the district, in amounts not exceeding three thousand five hundred dollars (\$3,500). All purchases shall be reported to the board of directors at its next meeting, (Amended by Stats 1963 ch 1117 ss 8; Stats 1972 ch 77 ss 1, ch 455 ss 4.5 (1963 amendment substituted \$2,000 for \$1,000 and 1972 amendment substituted \$3,500 for \$2,000).

5550. Same: Superintendent.

This section repealed by Stats 1972 ch 455 ss 5.

5551. Same: Secretary: Working hours. The secretary shall countersign and affix the seal to all contracts and conveyances on behalf of the district, and shall perform such other duties as may be imposed upon him by the board of directors or by this

5551. article. He shall give his fulltime during office hours to the affairs of the district, and shall act as the secretary of the board and keep a record of its proceedings.

5552. Same: Treasurer: Warrants, accounts and deposits. Custody of funds: Payments upon warrants: Signing. The treasurer is the custodian of the funds of the district, and shall make payments only upon warrants which have been approved by the board, signed by the president, or other authorized officer, and attested by the secretary. The board of directors may by ordinance authorize warrants to be signed by some other specified officer instead of the president.

Accounts and deposit of money. The treasurer shall keep an account of all receipts and disbursements, and shall deposit all money received by him in a depository or depositories selected by the board.

5553. Same: Controller: The controller shall install and maintain a system of auditing and accounting, which will completely and at all times show the financial condition of the district. He shall draw all checks and warrants to pay claims made against the district after the claims have been first approved by a majority of the board at a meeting thereof, and he shall perform such other duties as may be imposed upon him by this article or by the board or by the general manager. Payment of employee salaries and benefits and other recurring claims may be authorized annually by the board. (Amended by Stats 1972 ch 455 ss 6) (Amended 1975 AB 1164.)

5553.5 Rules for presentation of claims against District. All claims for money or damages against the district are governed by Part 3 (commencing with section 900) and Part 4 (commencing with section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. (Amended by Stats 1963 ch 1715 ss 50).

5554. Publication of annual financial statement. The Board, at its first meeting following the end of its fiscal year, shall cause to be rendered no later than 90 days after such meeting and to be published at least once, in a newspaper of general circulation printed and published in the district, a verified certified public accountant's or verified public accountant's audit of the financial condition of the district, showing particularly the receipts and disbursements and balance of assets and liabilities for the last preceding year. (Amended by Stats 1963 ch 1117 ss 10; Stats 1965 ch 1355 ss 1; Stats 1969 ch 456 ss 1; Stats 1970 ch 25 ss 2).

5555. Taking and filing of oath: Form of oath. The directors of the district, before assuming the duties of their office, shall take and subscribe an official oath, and file it in the office of the board. The official oath shall be in the form provided by law for official oaths of county officers.

5556. Employment of expert and other help: Fixation of duties and compensation. The board may appoint, employ, or contract for the services of attorneys, consultants, advisers, and such other experts as they deem necessary, and shall authorize the appointment or employment by the general manager of such assistants, deputies and other appointees and employees as may be deemed necessary by the board to carry out the purposes of this article, and the board shall determine the duties and compensation, or basis of compensation, of all such persons. (Amended by STAts 1972 ch. 455 ss 7).

5557. Office of board: Right to inspect records, etc. The board shall have a suitable office in the district where its maps, plans, documents, records, and accounts shall be kept, subject at all reasonable times and under reasonable regulations to public inspection.

5557.1 Destruction or disposition of duplicate records, papers or documents. The board may authorize at any time the destruction or disposition of any duplicate record, paper, or document, the original or a permanent photographic reproduction of which is in the files of the district.

5557.2 Destruction or disposition of record, paper, or document more than five years old. The board may authorize the destruction or disposition of any record, paper, or document, which is more than five (5) years old.

5558. Regulation of use of parks, etc.: Other duties of board: Superintendence of parks, etc. The board shall superintend, control, and make available to all of the inhabitants of the district subject to its rules and regulations, all public parks, playgrounds, beaches, parkways, scenic drives, boulevards, open spaces, and other facilities for public recreation belonging to the district or under its control.

It shall regulate, restrain, and control the kind of vehicles, and the time and conditions of travel or parking on such public parks, playgrounds, beaches, parkways scenic drives, boulevards, open spaces, and other facilities for public recreation, and it shall employ a suitable police force and shall make all rules and regulations for the government and use of all the lands under its care.

It shall, in general, do all acts necessary to the proper execution of the powers and duties granted to, and imposed upon, the board by the provisions of this article, and to manage and control the business and affairs of the district.

Notwithstanding any other provision of this section, the board of any district organized pursuant to Sections 5506.5 and 5538.5 may designate and employ officers and employees of the county in which the district is located as the district police force required by this section. (Amended by Stats 1972 ch 762 ss 4,

5558. effective August 10, 1972 by the addition of "open spaces" and the paragraph above.)

5558.1 The Board of Directors of the East Bay Regional Park District shall superintend, control, and make available to all of the inhabitants of the district, subject to its rules and regulations, all vehicular recreational areas and trails belonging to the district or under its control.

The Board of Directors of the East Bay Regional Park District shall regulate, restrain, and control the kind of vehicles, and the time and conditions of travel or parking on such vehicular recreational areas and trail. (Added to Stats 1975 SB 989).

5559. Regulations: Adoption, etc.: Prima facie evidence: Adoption, posting and publication of regulations. The board may adopt regulations, and it shall cause the regulations made by it to be posted upon park or other property of the district to which they apply, and it shall cause them to be published at least once in a newspaper published in the county or counties within which the district is in whole or in part situated, and such posting and publication shall be sufficient notice to all persons.

The affidavit of the general manager or the secretary that the district rules and regulations have been so posted and published is prima facie evidence therof. A copy of the rules and regulations, attested by any member of the board or by its secretary shall be prima facie evidence that the rules and regulations have been made by the board as provided by law. (Amended by Stats 1972 ch 455 ss 8).

5560. Violation of ordinance, rule or regulation a misdemeanor: Jurisdiction of prosecutions. Any violation of any ordinance, rule or regulation lawfully made by the board is a misdemeanor. Any judge of a justice court within any judicial district lying wholly or in part within the district, or any municipal court which may be established within the district, shall have jurisdiction of all prosecutions under this article for violations of any ordinances, rules, or regulations adopted by the board of directors of any district. (Amended by Stats 1975, Ab 1164).

5560.5 Ordinance providing for arrested person's appearance on notice: Contents of notice, and time and place for appearance: Release on promise to appear: Bail: Subsequent arrest. (a) A district may enact in its ordinances clauses which provide that if any person is arrested for a violation of the ordinance, and such person is not immediately taken before a magistrate, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court.

(b) The time specified in the notice to appear must be at least five days after such arrest.

5560.5 (c) The place specified in the notice to appear shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.

(d) The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person in order to secure release must give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

(e) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate shall fix the amount of bail which in his judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall indorse upon the notice a statement signed by him in the form set forth in Section 815a of the Penal Code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to Section 1463 of the Penal Code.

(f) No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law. (Added by Stats 1965 ch 1637 ss 3).
(Amended stats 1975 AB 1164).

5560.6 Same: Ordinance provisions prohibiting violation of promise to appear. A district may enact in its ordinances clauses which prohibit any person from willfully violating his written promise to appear in court regardless of the disposition of the charge upon which he was originally arrested. (Added by Stats 1965 ch 1637 ss 4; Amended Stats 1975 AB 1164).

5560.7 Same: Provision for issuance of warrant for arrest: Delivery of person to magistrate on violation of promise to appear. A district may further provide in its ordinance that when a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 5560.5, the magistrate

5560.7 shall issue and have delivered for execution a warrant for his arrest within 20 days after his failure to appear as promised, or if such person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date which he promised to appear, then, within 20 days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

When such person violates his promise to appear before an officer authorized to receive bail other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer. (Added by Stats 1965 ch 1637 ss 5; added by Stats 1975 AB 1164).

5560.8 Same: Separate ordinances.
A district may enact the foregoing as a separate and district ordinance which shall apply to all or one or more of its ordinances. (Added by Stats ch 1637 ss 6; Amended by Stats 1975, AB 1164).

5561. Powers of district police. The police appointed or employed by the board shall have, within the district for which they are appointed or employed, all the powers of police officers of municipal corporation except the power of serving and executing civil process.

5561.5 Unclaimed property in possession of district: Resolution or regulation for disposal: Provisions: Disposition of property not bid for sale. The Board may provide by resolution or regulation for the care, restitution, sale, or destruction of unclaimed property in the possession of the district. Any resolution or regulation adopted pursuant to this section shall provide therein (1) that such unclaimed property shall be held by the district for a period of at least six months, (2) that thereafter such property will be sold at public auction to the highest bidder, and (3) that notice of such sale shall be given by the board at least five days before the time therefor by publication once in a newspaper of general circulation published in the district. The Board may dispose of any such property upon which no bid is made at any such sale. (Added by Stats 1963, ch 1117 ss 11).

5561.6 Fires on lands in possession or control of district: Duties of district: Exclusions: Co-operative mutual aid agreements with United States, State, public agencies, individuals, and private associations. The district shall be primarily responsible for the prevention and suppression of all fires on any lands in its possession or control, excluding all lands of a district located within the exterior boundaries of any municipality or other fire protection district.

For the purposes of the prevention and suppression of fires on

5561.6 such lands, the board may enter into co-operative mutual aid agreements with the federal government, the State, any municipality, county or district, or any person, corporation or association. (Added by Stats 1963 ch 1117 ss 11.5).

5562. Construction, etc., of facilities: Fees.

Acquisition, etc. of facilities. The board may acquire, construct, improve, maintain, and operate golf courses, bathhouses, boathouses, tennis courts, gymnasiums, and other special amusements and forms of recreation, and it may acquire, contract, or complete all buildings, structures, waterways, lakes, equipment and other necessary or convenient facilities.

Fixing and collection of fees. It may fix and collect fees for the use by the public of any boats, bathing suits, lockers, golf courses, tennis courts, or other special facilities, services, or equipment.

5563. Sale or lease of unneeded property: Maximum term of lease:

Application of proceeds. If, in the opinion of the board, any land or property owned by the district, or any interest therein, becomes unnecessary for the purposes of the district, the board may, subject to the provisions of Section 5540, sell such lands or property, or interest therein. When land or property is temporarily unnecessary for park or open-space purposes, it may be leased for other purposes for a term not exceeding 25 years with an express provision in the lease that should the board by ordinance determine to use the lands for park, open-space, or other district purposes, the lease shall thereby be terminated. The proceeds of any sale or lease of lands or property, or any interest therein, shall be used for and applied to such purposes of the district as the board may, by resolution, determine. (Amended by Stats 1975 AB 1164).

5564. Protection of district property from floods, etc: Acquisition or construction of works, etc.: Contracts with flood control districts, etc.

Acquisition or construction of works, etc. Whenever it is necessary or advisable to acquire or construct any works, structures, or embankments, in order to protect the property of the district from damage by flood or storm waters, the board may acquire or construct such works, structures, or embankments.

Contracts with flood control districts, etc.: Granting of rights of way. If the works, structures, or embankments are necessary or advisable not only to protect the property of the district, but other property not owned by the district as well, the board may enter into contracts with any flood control district or other municipal or public corporation, and may grant rights of way, for such periods of time as it shall determine, over the property of the district to such flood control district or other municipal or public corporation, whereby the flood control district or other municipal or public corporation may be permitted to construct such works, structures, or embankments.

5565. Vesting of title to property: Taking of conveyances: Actions.

5565. Vesting of title in district: Holding in trust: Authority of board. The legal title of all property acquired by the district under the provisions of this article shall immediately and by operation of law vest in the district, and shall be held by the district in trust for, and is dedicated and set apart for, the uses and purposes set forth in this article. The board may hold, use, acquire, manage, occupy, and possess such property, as provided in this article.

Taking of conveyances or assurances: Institution and maintenance of actions: Authority to sue, appear and defend. The board may take conveyances or other assurances for all property acquired by it under the provisions of this article in the name of the district, to and for the uses and purposes expressed in this article, and it may institute and maintain all actions and proceedings, or suits at law or in equity, necessary or proper in order to carry out the provisions of this article, or to enforce, maintain, protect, or preserve all rights, privileges, and immunities created by or acquired in pursuance of this article. In all courts, actions suits, or proceedings, the board may sue appear, and defend, in person or by attorneys and in the name of the district.

5566. Procedure in condemnation suits: Public use. In condemnation proceedings, the board shall proceed, in the name of the district, under the provisions of title seven, part three of the Code of Civil Procedure, and the use of the property which may be condemned, taken, or appropriated under the provisions of this article, is a public use, subject to regulation and control of the State in the manner prescribed by law.

5567. Interest of officers in contracts: Grade of offense: Effect of conviction. Every director and every other officer named in this article who is, in any manner interested, directly, or indirectly, in any contract awarded, or to be awarded by the board, or in the profits to be derived from such a contract, is guilty of a misdemeanor, and conviction of a person under this section shall work a forfeiture of his office.

5568. Incurment of indebtedness: Limitation: Issuance of bonds: Taxes: Execution of bonds and coupons.
Authority to incur indebtedness: Limitations: Issuance of bonds: Provisions governing. For the purpose of acquiring, constructing, or completing any improvement or improvement authorized by this article, or for the purpose of acquiring any land or property necessary or useful therefor, the board may incur an indebtedness not to exceed 5 percent of the assessed valuation of the real and personal property situated in the district. It may issue bonds for such indebtedness under and in full compliance with the provisions of Title 4, Division 4, Chapter 4, Article 1 of the Government Code. The provisions of that chapter, as they may exist from time to time and insofar as they may be applicable, shall govern all district bond issues, and the board of each district is the legislative branch of the district, and authorized to do all acts and things which may be done by the legislative branch of cities, towns, and municipal corporations in the incurring of indebtedness and the issuance and sale of bonds.

5568. Levy and collection of taxes. Taxes for the payment of the bonds shall be levied and collected in the manner provided in this article.

Execution of bonds and coupons: Effect of signers ceasing to be officers. The bonds issued under the provisions of this section shall be signed by the president of the board and the treasurer of the district, and countersigned by the secretary. The coupons shall be signed by the treasurer. If any officers whose signature appear on the bonds or coupons cease to be officers before the delivery of the bonds to the purchaser, such signatures or counter-signatures are, nevertheless, valid and sufficient for all purposes, the same as if the officers had remained in office until the delivery of the bonds.

5569. Annual tax for bond interest and part of principal: Sinking fund: Collection and use of taxes. Tax to be levied and collected: Sinking fund. For the purpose of paying all sums coming due for principal and interest on all bonds of the district, there shall be levied and collected each year a tax sufficient to pay the annual interest on such bonds and, also, that part of the principal which will become due before the time for fixing the next general tax levy. If the maturity of the indebtedness created by the issue of bonds is made to begin more than one year after the date of the issuance of the bonds, the tax shall be levied and collected each year, to pay the interest on the indebtedness as it falls due, and, also, to constitute a sinking fund for the payment of the principal on or before maturity.

Taxes in addition to other taxes: Collection and use. The taxes in this section required to be levied and collected, shall be in addition to all other taxes levied for district purposes, and shall be collected at the same time and in the same manner as other district taxes are collected, and shall be used for no purpose other than the payment of said bonds and accruing interest.

5570. Statements of value of property within district and estimated financial requirements.

Transmission of statement of value or property within district. On or before the second Monday in August of each year, the county auditor of each county in which any portion of a district is located, shall transmit to the board of directors of the district and to the board of supervisors of each county in which the district is located, a statement in writing showing the total value of all real and personal property within the district and within his respective county, which value shall be ascertained from the assessment books of the county as equalized and corrected by the board of supervisors of the county.

Estimate of financial requirements: Contents. The board of directors of the district shall, on or before the last Tuesday of August of each year, cause to be prepared and submitted to the board of supervisors of each county in which any portion of the district is located, a detailed statement showing separately:

(a) The estimated amount of money that will be required for the payment of principal and interest upon bonds and other

5570. indebtedness of the district before the time for fixing the next general tax levy.

(b) The estimated amount of money that will be required for the operation, maintenance, upkeep, and repair of the parks, playgrounds, parkways, scenic drives, boulevards, and property of the district, and to defray the expenses of administering the affairs of the district.

5571. Levy of tax: Amount: Time and manner of assessment, levy and collection: Deposit.
Levy of tax: Time for and rate: Amount to be raised. The board of supervisors of each county in which any part of the district is located, shall, at the time of making the general tax levy in each year, levy a tax upon all the real and personal property within the district and within their respective county at a rate sufficient to meet the proportion of taxes necessary to be raised in the county for the purpose of paying the principal and interest of the bonds and other indebtedness of the district and all other requirements of the district, as shown by the estimate of the board of directors of the district. The amount of taxes to be raised in each county shall be in the same proportion as the assessed valuation of the taxable property in the district with in the county is to the assessed valuation of all property in the district.
Time and Manner of assessment, levy and collection: Deposit with treasurer. Such taxes shall be assessed, levied, and collected at the same time and in the same manner as other county taxes are assessed, levied, and collected, and shall, when collected, be deposited with the treasurer of the district.

5572. Annexion of territory generally. The boundaries of any district may be altered and new contiguous territory annexed, incorporated, and included and made a part of the district. (Amended by Stats 1965 ch 2043 ss 608).

5572.1 Validation of annexation of territory not within boundaries of municipal utility district: Retroactive effect. Where the annexation of territory to a district would otherwise be valid, except that such annexed territory was not within the boundaries of a municipal utility district organized and existing under Chapter 218 of the Statutes of 1921, or the Municipal Utility District Act, such annexation shall be valid. This section shall be applied retroactively to validate the annexation of such territory to a district as of the date that the annexation would otherwise have been valid. (Amended Stats 1975 AB 1164).

5573-5589. (REPEALED BY STATS 1965 CH 2043 ss 247-263.) These sections covered procedure for annexing to a district and have been repealed. Annexation of territory to the district now come under the rules and regulations of the Local Agency Formation Commission.

5590. District bonds as legal investments. The bonds of any district issued pursuant to this article, are legal investments for all

5590. trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the State school funds; and whenever any money or funds may by law be invested in bonds of cities and counties, counties, or school district in the State of California, such money or funds may be invested in district bonds issued in accordance with the provisions of this article: and whenever bonds of cities, cities and counties, counties, school districts, or municipalities may be law be used as security for the performance of any act, district bonds may be so used.

5591. Force and value of bonds: Exemption from taxation. All bonds issued under the provisions of this article shall have the same force, value, and use as bonds issued by any municipality in this State and shall be free and exempt from all taxation within this State.

5592. Liability of directors to recall. Each director of a district is subject to recall by the voters of the district in accordance with the recall provisions of the laws of the State with reference to county officer.

5593. Letting of material and construction contracts: Publication of call for bids: Action on bids: Rejection and readvertisement: Construction by force account. All contracts for furnishing materials or supplies, or for constructing any building, structure, or improvement, when the expenditures will exceed the sum of three thousand five hundred dollars (\$3,500), shall be let to the lowest responsible bidder, after notice inviting bids, published in a newspaper in the district at least one week before the time of receiving bids. The board of directors may reject all bids and readvertise, or by a four-fifths vote may elect to purchase the materials or supplies in the open market, or to construct the building, structure, or improvement by force account. (Amended by Stats 1963 ch 1117 ss 13 from \$500 to \$2,000 and Stats 1972 ch 77 ss 2 from \$2,000 to \$3,500).

5595. Construction of article. This article shall be liberally construed to promote its objects and to carry out its intents and purposes.



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